

**IRC09 Lay Participation in Legal Decision Making – Sessions for the 2012
International Law and Society Conference, Honolulu, Hawaii, June 5-8, 2012**

Iconic Jury Trials (Sponsored by IRC09 Lay Participation in Legal Decision Making) 1209

Schedule Information:

Scheduled Time: Tue, Jun 5 - 10:15am - 12:00pm Building/Room: HHV, TBA09

Title Displayed in Event Calendar: Iconic Jury Trials (Sponsored by IRC09 Lay Participation in Legal Decision Making) 1209

Session Participants:

Chair: Neil Vidmar (Duke University) vidmar@law.duke.edu

Trying Rodney King's Case Twice

*Sara S Beale (Duke University)

Japan's Prominent Lay Adjudication Trials: Appealing Acquittal Verdicts and People's Right to Try "Untouchables"

*Hiroshi Fukurai (University of California, Santa Cruz)

An Iconic Jury Trial in Spain: The Gürtel Case

*Mar Jimeno-Bulnes (University of Burgos)

An Iconic Jury Trial in Illinois: The First Criminal Trial of Rod Blagojevich

*Nancy Marder (Illinois Institute of Technology)

Discussant: Richard O. Lempert (University of Michigan) rlempert@umich.edu

Abstract:

What do the jury trials of O.J. Simpson for the murders of Nicole Brown Simpson and Ron Goldman, of Rod Blagojevich for the selling of President Obama's U.S. Senate seat, and of Laurence Powell and Stacey Koon for the beating of Rodney King have in common? They have all achieved the status of "iconic" jury trials in the United States. This panel session will examine iconic jury trials across cultures, including Japan, Spain, and the United States. Presenters will focus on iconic jury trials and identify some of the key lessons that those trials teach about juries and how they function in that society. Presenters also will consider what is required for a trial to attain "iconic" status in a culture and what implications iconic trials have for jury research across cultures.

Juries and Mixed Courts in Europe (Sponsored by IRC09 Lay Participation in Legal Decision Making) 1309

Schedule Information:

Scheduled Time: Tue, Jun 5 - 12:30pm - 2:15pm Building/Room: HHV, TBA09

Title Displayed in Event Calendar: Juries and Mixed Courts in Europe (Sponsored by IRC09 Lay Participation in Legal Decision Making) 1309

Session Participants:

Chair: Valerie P. Hans (Cornell University) valerie.hans@cornell.edu

Chair: Nikolai Kovalev (Wilfrid Laurier University) nkovalev@wlu.ca

Recent Developments in the French Criminal Jury

*Claire M Germain (University of Florida)

The Jury in Russia: Research and Reform

*Valerie P. Hans (Cornell University)

Lay Adjudication in Europe: New Developments

*John D Jackson (University College, Dublin), *Nikolai Kovalev (Wilfrid Laurier University)

Georgian Jury System

*Giorgi Meladze (Free University of Tbilisi)

Trial by Jury in Russia: Jurata Patriae or Raison D'État

*Alexander Smirnov (Russian Academy of Justice), Nikolai Kovalev (Wilfrid Laurier University)

New Developments in Lay Participation in Law (Sponsored by IRC09 Lay Participation in Legal Decision Making) 2110

Schedule Information:

Scheduled Time: Wed, Jun 6 - 8:15am - 10:00am Building/Room: HHV, TBA10

Title Displayed in Event Calendar: New Developments in Lay Participation in Law (Sponsored by IRC09 Lay Participation in Legal Decision Making) 2110

Session Participants:

Chair: Valerie P. Hans (Cornell University) valerie.hans@cornell.edu

Testing the Comprehensibility of Canadian Jury Instructions and the Efficacy of 3 Comprehension Aids

*Marie Comiskey (University of Michigan)

Lay Participation in the Criminal Trial: First Nations Sentencing Circles and Law Reform in Canada

*Toby S Goldbach (Cornell University)

Experts and Deliberative Democracy

*Ruth Horowitz (New York University)

Is There a Lawyer in the "House"? The Portrayal of Medical Negligence in "House, M.D."

*Natalie Wallace (Cornell University), Valerie P. Hans (Cornell University)

Abstract:

This paper session showcases innovative approaches to including lay citizens in legal decision making, from medical boards to sentencing councils to mixed courts.

New Developments in Japan's Saiban-in System (Sponsored by IRC09 Lay Participation in Legal Decision Making and CRN33 East Asian Law and Society) 3309

Schedule Information:

Scheduled Time: Thu, Jun 7 - 12:30pm - 2:15pm Building/Room: HHV, TBA09

Title Displayed in Event Calendar: New Developments in Japan's Saiban-in System (Sponsored by IRC09 Lay Participation in Legal Decision Making and CRN33 East Asian Law and Society) 3309

Session Participants:

Chair: Valerie P. Hans (Cornell University), valerie.hans@cornell.edu

Discussant: Christoph Rennig (Frankfurt High Court of Appeals), christoph.rennig@gmail.com

A Gap Before and After Saiban-in Service

*Takayuki Ii (Hirosaki University)

Intentions and the Reality of the Lay Adjudication in Criminal Trials: Indications from the Introduction of the Japanese Citizen Judge System (Saiban-in Seido) in Terms of a Comparative Criminal Justice Study

*Yumiko Kita (University of Sussex)

Transparency of Japanese Criminal Justice System after Saiban-in System Was Implemented

*Takeshi Nishimura (Shimada & Nishimura Law Office)

Japan's Evolving Lay Judge System: Room for Improvement or Even Expansion?

*Matthew J. Wilson (University of Wyoming)

Abstract:

In this session, scholars and researchers will examine new developments in Japan's saiban-in system, a mixed court of 3 professional and 6 lay judges.

Presenters will include Yumiko Kita (Sussex University); Takayuki Ii (Hirosaki University); Matt Wilson (Wyoming University); and Takeshi Nishimura (JFBA).

Roundtable--The Role of Professionals in Lay Tribunals
(Sponsored by IRC09 Lay Participation in Legal Systems) 3409

Schedule Information:

Scheduled Time: Thu, Jun 7 - 2:30pm - 4:15pm Building/Room:
HHV, TBA09

Title Displayed in Event Calendar: Roundtable--The Role of
Professionals in Lay Tribunals (Sponsored by IRC09 Lay
Participation in Legal Systems) 3409

Session Participants:

Chair: Shari S. Diamond (Northwestern U/American Bar
Foundation) s-diamond@law.northwestern.edu

Participant: Edmundo S. Hendler (University of Buenos Aires)
ehendler@catedrahendler.org

Participant: Jae-Hyup Lee (Seoul National University)
jhyup@snu.ac.kr

Participant: Richard O. Lempert (University of Michigan)
rlempert@umich.edu

Participant: Kwangbai Park (Chungbuk National University)
kwangbai@chungbuk.ac.kr

Participant: Christoph Rennig (Frankfurt High Court of
Appeals) christoph.rennig@gmail.com

Participant: Judge Chen-Chou Hsu (Criminal Justice
Department, Judicial Yuan R.O.C. (Taiwan))

Abstract:

U.S. myopia tends to view lay participation according to one model: the lay jury (although others ---Germany's mixed tribunals and England's lay magistrate system -- have a long tradition). In the last decade, a variety of tribunals including lay participation have joined the mix, taking a myriad of forms. A continuing question that persists as each legal system designs its own version of lay participation is, What Role Do (Should) Professionals Play? At one extreme is the American jury trial in which the professional judge presides, but does not participate in deliberations. Other systems give larger roles to professionals. For example, in Germany and in Japan's Saiban-in system, the professional judges deliberate and vote with the laypersons. In the new Korean system, the jury first deliberates alone on the issue of guilt, but if the jurors cannot reach a unanimous verdict, the jurors must hear the judge's opinion; the jurors then deliberate again outside the presence of the judge and can reach a verdict by a simple majority. In the lower criminal courts in

England, lay magistrates sit in panels of three; a legally-qualified clerk is available to advise them, but not to deliberate or vote with them.

These varying institutional arrangements reflect concerns about lay competence, legal expertise and democratic representation, cultural influences, and the appearance of justice. They also raise normative and empirical questions about the optimal and actual nature of professional influence on these tribunals. This roundtable will explore all of these issues.

Participation on Juries (Sponsored by IRC09 Lay Participation in Law) 4409

Schedule Information:

Scheduled Time: Fri, Jun 8 - 2:30pm - 4:15pm Building/Room: HHV, TBA09

Title Displayed in Event Calendar: Participation on Juries (Sponsored by IRC09 Lay Participation in Law) 4409

Session Participants:

Chair: Mary R. Rose (University Texas, Austin) mrose@austin.utexas.edu

Juror Language Accommodation in Theory and Praxis

*Jasmine B Gonzales Rose (University of Pittsburgh)

Volunteering and Willingness to Serve

*Marc Musick (University of Texas, Austin), Sarah Dury (Vrije Universiteit, Brussel)

Increasing the Incentive to Serve: The Effect of Juror Pay Increase in Texas

*Mary R. Rose (University Texas, Austin)

Common Narrative and Community Cohesion: Toward a Micro-Level Theory of Deliberative Dynamics

*Meredith Rossner (University of Western Sydney)

Racial Coding of Railway Stations: Jury Deliberation about the Meaning of Place in a Mock Terrorism Trial

*David Tait (University of Western Sydney)

Abstract:

To be robust, the jury system depends upon active participation. First, citizens must be willing to serve, in that they agree to and are able to take time away from their lives to participate. Once selected, the law presumes that the jury discussion will include all voices – that is, that each member will

actively participate. This session will explore the many meanings of jury participation. We consider the make-up of the jury pool by investigating attitudes toward jury service, as well as the effects of incentives from the state to increase jury participation. Next we will consider various types of participation between jurors by exploring language diversity among jurors, as well as detailed examinations of how jurors speak to one another. Data comes from a variety of jurisdictions, including those in both the United States and Australia.

BUSINESS MEETING OF THE IRC

Schedule Information:

Scheduled Time: Fri, Jun 8 - 4:30pm - 6:15pm Building/Room: HHV, TBA09

Title Displayed in Event Calendar: IRC09 Business Meeting 4509

Session Participants:

Chair: Valerie P. Hans (Cornell University) valerie.hans@cornell.edu

Chair: Sanja Kutnjak Ivkovich (Michigan State University) kutnjak@msu.edu

Chair: Nikolai Kovalev (Wilfrid Laurier University) nkovalev@wlu.ca

Chair: Takeshi Nishimura (Shimada & Nishimura Law Office) law-s-n@mva.biglobe.ne.jp

Abstract:

Business meeting, discussion of IRC projects